

REMARKS

Claim Rejections

Claims 1-2 and 3-7 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Robb et al. (6,931,503) in view of Yamamoto et al. (6,532,513).

It is noted that both the references to Robb et al. and Yamamoto et al. were initially cited by the Examiner in the outstanding Final Office Action. Thus, this Amendment represents Applicant's initial opportunity to respond to the rejections based upon these references.

Drawings

In the previous Response, Applicant proposed to amend Figures 3, 4, and 6, as illustrated in red on the attached photocopies. The Examiner has objected to the deletion of elements 11, 12, and 13 from Figure 3. In response, Applicant proposes to add the legends shown in the prior Response, while not deleting elements 11, 12, and 13 from Figure 3. No "new matter" has been added to the original disclosure by the proposed amendments to these figures. It is believed the foregoing proposed amendments obviate the outstanding objections to the drawings. Approval of the proposed drawing changes is respectfully requested.

Claim Amendments

By this Amendment, Applicant has amended claim 1 and canceled claim 8 of this application. It is believed that the amended claims specifically sets forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

Applicant's claims, as amended, are directed toward a method for data security with lock in a hard disk and a solid state disk including the step of ***partitioning a platter of a disk drive*** into a plurality of disk zones including a ***user zone and a ROM zone and/or a protect zone***.

The primary reference to Robb et al. teaches a hard disk drive 1 having one or more platters 2 mounted on a spindle motor drive mechanism located on a

printed circuit board assembly 3 (PCBA). As shown in Figure 1 and described in col. 7, ll.17-55, the PCBA 3 has a RAM chip 5 and a ROM chip 4, which contains firmware to control the operation of the drive. It is important to note that the "zones" cited by the Examiner from Robb et al. are not zones **on the platter 2** of the disk drive, but rather are **separate chips** which are programmed with firmware and mounted on the PCBA 3 underlying the platter 2. Providing a ROM chip is not the same as partitioning a platter to have a ROM zone. Furthermore, programming the ROM chip to have (un)supervisor or (un)protected modes is not the same as partitioning the platter to have a user zone and/or a protect zone, as recited by Applicant.

Robb et al. do not teach a method for data security with lock in a hard disk and a solid state disk including the step of partitioning a platter of a disk drive into a plurality of disk zones including a user zone and a ROM zone and/or a protect zone. As admitted by the Examiner, Robb et al. also fails to teach the size of the plurality of disks.

The secondary reference to Yamamoto et al. is cited as teaching a plurality of registers for indicating a record of a size of each of the plurality of disk zones. The cited text from Yamamoto et al., col. 12, l. 54- col. 13, l. 15, does not teach anything about partitioning a disk drive platter into a user zone in combination with a protect zone and/or a ROM zone.

Yamamoto et al. do not teach a method for data security with lock in a hard disk and a solid state disk including the step of partitioning a platter of a disk drive into a plurality of disk zones including a user zone and a ROM zone and/or a protect zone.

Even if the teachings of Robb et al. and Yamamoto et al. were combined, as suggested by the Examiner, the resultant combination does not suggest: a method for data security with lock in a hard disk and a solid state disk including the step of partitioning a platter of a disk drive into a plurality of disk zones including a user zone and a ROM zone and/or a protect zone.

It is a basic principle of U.S. patent law that it is improper to arbitrarily pick and choose prior art patents and combine selected portions of the selected patents on the basis of Applicant's disclosure to create a hypothetical combination which

allegedly renders a claim obvious, unless there is some direction in the selected prior art patents to combine the selected teachings in a manner so as to negate the patentability of the claimed subject matter. This principle was enunciated over 40 years ago by the Court of Customs and Patent Appeals in In re Rothermel and Waddell, 125 USPQ 328 (CCPA 1960) wherein the court stated, at page 331:

The examiner and the board in rejecting the appealed claims did so by what appears to us to be a piecemeal reconstruction of the prior art patents in the light of appellants' disclosure. ... It is easy now to attribute to this prior art the knowledge which was first made available by appellants and then to assume that it would have been obvious to one having the ordinary skill in the art to make these suggested reconstructions. While such a reconstruction of the art may be an alluring way to rationalize a rejection of the claims, it is not the type of rejection which the statute authorizes.

The same conclusion was later reached by the Court of Appeals for the Federal Circuit in Orthopedic Equipment Company Inc. v. United States, 217 USPQ 193 (Fed.Cir. 1983). In that decision, the court stated, at page 199:

As has been previously explained, the available art shows each of the elements of the claims in suit. Armed with this information, would it then be non-obvious to this person of ordinary skill in the art to coordinate these elements in the same manner as the claims in suit? The difficulty which attaches to all honest attempts to answer this question can be attributed to the strong temptation to rely on hindsight while undertaking this evaluation. It is wrong to use the patent in suit as a guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claims in suit. Monday morning quarterbacking is quite improper when resolving the question of non-obviousness in a court of law.

In In re Geiger, 2 USPQ2d, 1276 (Fed.Cir. 1987) the court stated, at page 1278:

We agree with appellant that the PTO has failed to establish a *prima facie* case of obviousness. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching suggestion or incentive supporting the combination.

Applicant submits that there is not the slightest suggestion in either Robb et al. or Yamamoto et al. that their respective teachings may be combined as suggested by the Examiner. Case law is clear that, absent any such teaching or suggestion in the prior art, such a combination cannot be made under 35 U.S.C. § 103.

Neither Robb et al. nor Yamamoto et al. disclose, or suggest a modification of their specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Applicant hereby respectfully submits that no combination of the cited prior art renders obvious Applicant's amended claims.

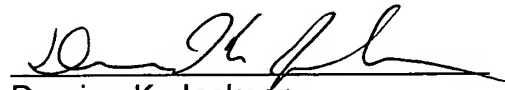
Summary

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

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